

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

JOHANNA NEGRON ADAMES, ET ALS

CIVIL NO. 21-cv-1077 (WGY)

Plaintiffs

vs.

DORADO HEALTH, INC. d/b/a BAYAMON
MEDICAL CENTER, ET ALS.
Defendants

ANSWER TO COMPLAINT

TO THE HONORABLE COURT:

NOW COMES codefendant, **DR. FRANCISCO DUBOCQ BERDEGUEZ**, through its undersigned attorney who respectfully alleges and prays:

1. The averments included in paragraphs number 1, 2, 3, 10, 14, 15, 16 and 75 of the Complaint do not require a responsive pleading since they constitute statements of legal conclusions and/or do not require a responsive pleading from the appearing party. However, insofar as a response may be warranted, they are denied.

2. The averments included in paragraph number 5, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28, 29, 34, 35, 36, 37, 40, 41, 42, 44, 45, 46, 47, 49, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 66, 67, 68, 69, and 70 of the Complaint are denied for lack of information to form an opinion.

3. The averments included in paragraphs number 4, 6, 7, 8, 9, 11, 12, 13, 17, 27, 30, 31, 32, 33, 38, 43, 48, 50, 58, 62, 63, 64, 65, 71, 72, 73, 74, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97 and 98 of the Complaint are denied as alleged by plaintiffs.

AFFIRMATIVE DEFENSES

1. The Complaint, as drafted, fails to state a claim upon which relief may be granted for plaintiffs and against defendant, Dr. Dubocq.
2. The claim is time barred and/or the doctrine of laches applies.
3. The claims alleged in the Complaint are barred by the applicable statute of limitations.
4. If there is negligence in this case, which is specifically denied, same was incurred by Plaintiffs and/or by third parties, for whose actions Dr. Dubocq is not responsible, as a matter of law.
5. There is no causal relationship between any act or omission which may be attributed to Dr. Dubocq and the damages claimed in the Complaint. Nevertheless, in the event that this Court finds that Dr. Dubocq was negligent, which is specifically denied, it would only be liable for the portion of the damages which equals its comparative negligence, if any.
6. There is no causal relationship between the acts and/or omissions allegedly incurred by Dr. Dubocq and the damages allegedly suffered by plaintiffs.
7. The intervention or non-intervention of Dr. Dubocq with the patient fully complied with the generally accepted standards recognized by the medical profession under the particular circumstances of this case.
8. The damages allegedly suffered by plaintiffs are not related to, nor were they caused by, the medical care and treatment provided by Dr. Dubocq.
9. The legal doctrine of judgment error ("error de juicio") as established by the Puerto Rico Supreme Court, is applicable to the facts alleged in the Complaint.
10. Damages allegedly suffered by plaintiffs were due to a pre-existing condition of the patient.

11. The damages sought by plaintiffs in the Complaint have been grossly exaggerated and in no way represent the effective damages that plaintiffs may have suffered, if any.

12. Plaintiffs did not mitigate damages.

13. Plaintiffs' allegations have not rebutted the presumption that Dr. Dubocq has acted with reasonable care and that treatment administered was adequate.

14. Defendant, Dr. Dubocq reserves the right to amend the existing affirmative defenses and/or to include additional affirmative defenses that may arise through discovery and/or investigation.

WHEREFORE, it is respectfully requested from this Honorable Court that this Complaint be dismissed in its entirety and award costs, expenses and attorneys' fees and such other further relief as the Court deems just and appropriate.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 27th day of April 2021.

I HEREBY CERTIFY: That copy of this document has been sent by CM/ECF to the Attorneys of Record

~~MORALES-MORALES LAW OFFICES~~

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